

REMARKS

Claims 1, 6, 8, and 12 have been amended. Claims 4, 5, 7, and 9-11 have been cancelled. Thus, Claims 1-3, 6, 8 and 12 are pending in the present application.

Claim objection:

The Examiner objected to the term “diameter” in claim 1. Applicant amended the respective language in claim 1 to more precisely define the path of revolution.

Claim rejection under 35 U.S.C. §102 and §103:

The Examiner rejected claims 1-5 and 8-12 under 35 U.S.C. §102(b) as being anticipated by Chambers. Furthermore, the Examiner rejected claims 6 and 7 as being unpatentable under 35 U.S.C. §103(a) over Chambers in view of Marlowe. Applicant amended independent claims 1, 8, and 12 to include limitations that are neither disclosed nor suggested by Chambers or any of the prior art cited in the above mentioned office action.

According to the amended independent claims a plurality of carriers is provided in a library system which are transported around at least one drive. The carriers are able to hold at least two cartridges in an upright position. The drives are therefore arranged in such a way that they can receive one of the cartridges in the upright position.

Chambers does not provide for multiple carriers wherein each carrier comprises at least two cartridges. The Examiner stated that Marlowe discloses this limitation. Applicant respectfully disagrees. The limitation refers to at least two cartridges which are placed on a single carrier. Marlowe merely discloses the use of two drives. However, according to Marlowe, each carrier is designed to receive only a single cartridge as can be seen in figure 3 and 4 of Marlowe.

The dependent claims include all the limitations of the respective independent claims and are therefore patentable at least to the extent of the independent claims.

Therefore, Applicant respectfully requests allowance of the present set of claims.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 074623.0110.

BAKER BOTTS L.L.P.

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